

ESTTA Tracking number: **ESTTA417221**

Filing date: **06/30/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91199841
Party	Plaintiff Deer Stags Concepts Inc.
Correspondence Address	Tracy-Gene G. Durkin Sterne, Kessler, Goldstein & Fox P.L.L.C. 1100 New York Avenue, N.W. Washington, DC 20005 UNITED STATES tm@skgf.com, tdurkin@skgf.com, iestoest@skgf.com
Submission	Other Motions/Papers
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Signature	/Tracy Durkin/
Date	06/30/2011
Attachments	2554.081OPT0 Motion for Consideration of Answer.pdf (3 pages)(213332 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Trademark Application No.: 85/100,262

Filed: August 4, 2010

Mark: The logo for "Deer Tracks" features the word "Deer" in a serif font, followed by a stylized silhouette of a deer's head and antlers, and then the word "Tracks" in a bold, sans-serif font.

Published in the Official Gazette:
January 18, 2011

Deer Stags Concepts Inc.,
Opposer,

v.

B & S Partners, Inc. DBA Pilgrim Shoes,
Applicant.

Opposition No. 91199841

Atty Docket: 2554.081OPT0/TGD/ICE

MOTION FOR CONSIDERATION OF ANSWER

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Madam:

Deer Stags Concepts Inc. ("Deer Stags") instituted the above-captioned opposition on May 13, 2011. Applicant, B & S Partners, Inc. DBA Pilgrim Shoes, was given a deadline of June 22, 2011 to file its Answer. To date, Deer Stags has not received an Answer from Applicant. However, a review of TTABVue shows that Applicant did file an Answer on June 3, 2011. That Answer bears no proof of service, which is consistent with opposer receiving none. Despite Applicant's Answer being in clear violation of Trademark Rule 2.119, Deer Stags respectfully requests that the Board treat Applicant's Answer as if it were filed in accordance

with Trademark Rule 2.119, so that the Proceedings in this matter may continue without delay.

In the alternative, Dear Stags respectfully requests that the Board issue an order requiring Applicant to resubmit its Answer with clear proof of service and to actually serve the same on Deer Stags.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Tracy-Gene G. Durkin
Attorney for Opposer
Deer Stags Concepts Inc.

Date: **June 30, 2011**
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Washington, DC 20005
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Facsimile: (202) 371-2540

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of Opposer's MOTION FOR CONSIDERATION OF ANSWER was served upon Applicant on **June 30, 2011**, by forwarding the same, via First-class mail, to:

Arkady Altskan
B & S Partners, Inc. DBA Pilgrim Shoes
6710 Whitestone Rd
Baltimore, MD 21207
United States



Tracy-Gene G. Durkin
Attorney for Opposer
Deer Stags Concepts Inc.